

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

PETRO INDUSTRIAL SOLUTIONS, LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2021-00312
)	
ANDREW CANNING and OPTIS EUROPE,)	
LTD.,)	
)	
Defendants.)	
)	

Attorneys:

Lee J. Rohn, Esq.

St. Croix, U.S.V.I.

For Plaintiff

Andrew C. Simpson, Esq.

St. Croix, U.S.V.I.

For Defendants

ORDER

THIS MATTER comes before the Court on Defendants Andrew Canning and OPTIS Europe, Ltd.’s “Motion to Exclude” and Memorandum in support thereof (Dkt. Nos. 294, 295); and Plaintiff Petro Industrial Solutions, LLC’s Response thereto (Dkt. No. 296).

In the instant Motion, Defendants “move to exclude the opinions and testimony of plaintiff’s designated expert, Don S. Law.” (Dkt. No. 294 at 1). Defendants assert that Law “has failed to provide a report as required by Fed. R. Civ. P. 26(a)(2)(B)” and that Law’s opinion “fails to meet the requirements of Fed. R. Evid. 702.” *Id.* In response, Plaintiff explains that it disclosed Law as an expert “only out of an abundance of caution.” (Dkt. No. 296 at 1). Plaintiff asserts that it now “withdraws Mr. Law as an expert because it was recently discovered that he is now terminally ill and unable to testify.” *Id.*

UPON CONSIDERATION of the foregoing, it is hereby

ORDERED that Defendants Andrew Canning and OPTIS Europe, Ltd.’s “Motion to Exclude” (Dkt. No. 294) is **DENIED AS MOOT**, in light of Plaintiff’s withdrawal of Mr. Law as an expert.

SO ORDERED.

Date: April 26, 2024

_____/s/_____
WILMA A. LEWIS
District Judge